IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1206/2006

RAMCHARAN LAL Vs. STATE OF RAJASTHAN

DATE: 28.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.K. Gupta for the accused-petitioner.
Mr. Ashwini Kumar Sharma, PP for the State.
Mr. Anurag Sharma for the complainant.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 24.08.2006 passed by the Additional Sessions Judge, Karauli in Sessions Case No. 44/2006, whereby charge for the offence under Section 306 IPC has been framed against the accused-petitioner.

Learned counsel for the petitioner submits that petitioner is a labourer and he is nothing to do with abetment and suicide committed by deceased Smt. Jyoti Sharma. He also referred the provisions of Section 107 IPC, where ingredients of abetment are given, which is reproduced hereunder:-

> **107. Abetment of a thing.-** A person abets the doing of a thing who-
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> First- Instigates any person to do that thing; or
>
> Secondly- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
>
> Thirdly- Intentionally aids, by any act or illegal omission, the doing of that thing.

In support of his submissions, the learned counsel for the accused-petitioner placed reliance on the judgment rendered by the Hon'ble Supreme Court in the case **Netai Dutta Vs. State of West Bengal, reported in 2005(2) Supreme 300,** wherein the Hon'ble Supreme Court has held that suicide note alleged that appellant and one more person engaged victim in several wrong-doings and that deceased was not satisfied with working conditions in the office- No averment in suicide note that appellant had caused any harm to him- Appellant could not be said to have instigated deceased in any way to commit suicide.

On the other hand, learned Public Prosecutor appearing for the State referred the provisions of Section 108 IPC, more particularly Explanation-2, which

read as under:-

> **108. Abettor-** A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.
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> Explanation 2.- To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

I have heard rival submissions of the respective parties and gone through the impugned order dated 24.08.2006 as also the relevant provision of law as referred.

Here in the instant case also, the deceased written a suicide note wherein it was categorically stated that her neighbour Ramcharan, who is the petitioner in this revision petition, harassed her and it was difficult to live, therefore, she is committing suicide. Specific allegations with regard to the petitioner have been made in the suicide note and the genuineness of the suicide note written by the deceased has been found in the F.S.L. report also.

Looking to the facts and circumstances of the case as in the suicide note it is clearly indicated

that the petitioner is responsible for her death and specific allegations are levelled and specifically the name of petitioner Ramcharan has been mentioned in the suicide note, therefore, prima-facie case under Section 306 IPC is made out against the accused-petitioner.

At this stage, I do not want to interfere in the impugned order dated 24.08.2006 whereby charge for the offence under Section 306 IPC has been framed against the accused-petitioner. I find no illegality or error apparent on the face of the record. No interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

However the accused-petitioner is given liberty to urge just and legal submissions at the time of trial and the observations made by this Court while dismissing the present revision petition will not come in way.

(K.S. RATHORE),J.

/KKC/